

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 148 /2019

Kok Singh Patel, S/o. Shri Rabbal Singh Patel, Aged About 48 Years, R/o. Village- Machwara, Police Station- Them, Tahsil And District- Narsinghpur, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Bemetara, Civil And Revenue District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Smt. Seema Singh, Advocate.

For Respondent : Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.02.2019

1. Apprehending arrest in connection with Crime No.309/2017 registered at Police Station- Bemetara, District Bemetara (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a written report was made by one Premsagar Patel to the Superintendent of Police, Bemetara on 01.12.2016 that the applicant along with the other co-accused has agreed to sale a land of 69 Acres at village Basnipatharra and on different dates an amount of Rs.31 Lakhs was received and other gold ornaments were also received. Subsequently, it was revealed that the land belongs to one K.M.J. Developers and proposed sellers were not the owners. Further report was made that the lady members of the complainant had given 100 Tolas gold ornament on the assurance that amount would be raised and sale would be executed. Thereby the applicant along with the other has committed the fraud.

3. Learned counsel for the applicant submits that the applicant was never in the picture when the alleged agreement was executed. The applicant and the complainant are relative. The applicant has not allured the complainant to pay the amount and the other co-accused has been enlarged on regular bail by the Court below. She further submits that the applicant is also a heart patient, therefore, he may be enlarged on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents. The applicant appears to have been absconding till date from 2016. Considering the same and further taking into the statement that similar type of offence has also been committed by the applicant at Hoshangabad, M.P., it is not a fit case where the benefit of anticipatory bail can be extended to the applicant.
6. Accordingly, the anticipatory bail application is rejected.